

Remarks / Arguments

With this Amendment, the Applicant has amended claims 36, 37, and 39. No new matter has been added by virtue of this Amendment. Support for this Amendment can be found throughout the originally filed specification. For example, support can be found in paragraphs [0010], [0057] and [0065]. Claims 1-18 were previously canceled, and claims 19-35 were previously withdrawn. Claims 19-42 are currently pending in this application.

1. Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 36-42 under 35 USC § 112, second paragraph, as being indefinite. Specifically, the Examiner states that the phrase “commercially produced shaped dough” in claim 36 and the phrase “commercially preparing” in claim 39 are indefinite.

The Applicant respectfully asserts that the phrase “commercially produced shaped dough” has the clear meaning of a shaped dough that is made at a manufacturing facility in order to serve a large market. The phrase “commercially preparing” has the clear meaning of making a product at a manufacturing facility in order to serve a large market. The clear meanings of “commercially produced shaped dough” and “commercially preparing” are consistent with the dictionary definition of “commercial.” *Merriam Webster’s Collegiate® Dictionary* defines “commercial” as “designed for a large market.” *Merriam Webster’s Collegiate® Dictionary* 231, def. 2b (10th ed. 1993). The relevant page from this dictionary is submitted herewith. Moreover, the clear meanings of “commercially produced shaped dough” and “commercially preparing” are consistent with the use of the phrase “commercially made” in the reference “How to Bake” by Nick Malgieri, which was cited by the Examiner in the Office Action dated June 11, 2010. In the “How to Bake” reference, the phrase “commercially made” is used to distinguish bread that is made at a manufacturing facility in order to serve a large market from “homemade bread.” (See “How to Bake,” p. 41, para. 3.) Therefore, the phrases “commercially produced shaped dough” and “commercially preparing” each have a clear meaning, as illustrated by dictionary definitions and literature regarding baked goods.

The Applicant respectfully requests the withdrawal of the rejections under 35 USC § 112.

2. Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 36-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,861,601 to Seneau (hereinafter “Seneau”) in view of the books “Breads,” “Baking with Julia,” “Professional Baking,” and “How to Bake.”

In order for a claim to be rendered obvious, each of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 984 (CCPA 1974). Claims 36-42 are not rendered obvious by the prior art cited by the Examiner, because the cited prior art does not teach or suggest all of the features recited in the claims.

Claim 36 is directed to a proofed, par-baked, frozen or refrigerated dough intermediate comprising “a plasticizing agent forming a sealing layer on an exposed surface of the dough, the sealing layer restricting dehydration of the dough during par-baking and subsequent freezing or refrigerating; wherein the dough intermediate has a reduced dehydration prior to a final finishing step for making a baked product.” Claim 39 is directed to a method of making a proofed, par-baked, frozen or refrigerated dough intermediate comprising the step of “applying a plasticizing agent onto a surface of the dough to create a sealing layer on the dough for restricting dehydration of the dough during partial finishing and subsequent freezing or refrigerating.” A significant problem with par-baking and subsequent refrigerating or freezing of a dough product is moisture loss. Moisture is lost from the dough during par-baking, and the moisture loss is exacerbated during refrigerated or frozen storage. As a result of this continued moisture loss, par-baked products that are frozen or refrigerated and are subsequently heated to make the final product suffer from various deficiencies as compared to homemade freshly baked products, such as crust separation, crust toughness, and a general lack of freshness. The invention of claims 36 and 39 alleviates this significant moisture loss by the use of a sealing layer which restricts dehydration of the dough during par-baking and subsequent refrigerating or freezing.

Seneau discloses a preproofed, partially baked, frozen bread product. (Seneau, Abstract.) However, Seneau is silent with regard to a plasticizing agent forming a sealing layer on an exposed surface of the dough, the sealing layer restricting dehydration of the dough during par-baking or partial finishing and subsequent freezing or refrigerating. Seneau is also silent with regard to applying a plasticizing agent onto a surface of the dough to create a sealing layer on the dough for restricting dehydration of the dough during partial finishing and subsequent

refrigerating or freezing. In fact, the method disclosed in Seneau requires two injections of steam into the oven during par-baking in order to produce a par-baked dough product with a desired moisture content. (Seneau, col. 2, line 55 – col. 3, line 2; col. 4, lines 19-41.) Therefore, rather than using a sealing layer which restricts dehydration, as recited in claims 36 and 39, the method of Seneau uses steam injections to add moisture to a dough product. Because Seneau is silent with regard to a plasticizing agent forming a sealing layer, Seneau does not teach or suggest the inventions of claims 36 and 39.

The remaining references cited by the Examiner fail to compensate for the deficiencies of Seneau. The Examiner cites “Baking with Julia” for teaching “different cutting or indentation.” (Office Action, p. 3, para. 2.) The book “Breads” is cited for teaching brushing a dough with a glaze before baking. (Office Action, p. 3, para. 1.) “Professional Baking” is cited for teaching the use of oil as a wash for rolls. (Office Action, p. 3, para. 3.) “How to Bake” is cited for teaching the oiling of surfaces of a dough. (Office Action, p. 3, para. 4.)

Although “Breads,” “Professional Baking,” and “How to Bake” teach the application of a fat to a dough, none of these references teach a “sealing layer restricting dehydration of the dough during par-baking and subsequent freezing or refrigerating,” as recited in claim 36. Moreover, none of these references teach “applying a plasticizing agent onto a surface of the dough to create a sealing layer on the dough for restricting dehydration of the dough during partial finishing and subsequent freezing or refrigerating,” as recited in claim 39. In fact, “Baking with Julia,” “Breads,” “Professional Baking,” and “How to Bake” do not teach or suggest any method for restricting dehydration during par-baking and subsequent freezing or refrigerating, because these references are completely silent with regard to par-baking and subsequent freezing or refrigerating of a dough product.

Even if “Baking with Julia,” “Breads,” “Professional Baking,” and “How to Bake” taught a sealing layer for restricting dehydration of a dough during par-baking and subsequent freezing or refrigerating, the combination of teachings regarding the use of a sealing layer with the teachings of Seneau would lead to an inoperable result. The invention of Seneau is directed to a method involving the use of steam injections to increase the moisture content of a dough product. (Seneau, col. 2, line 55 – col. 3, line 2; col. 4, lines 19-41.) However, if a sealing layer was

applied to the Seneau dough product, the steam injections would be ineffective because the sealing layer would form a protective barrier between the dough product and the steam.

As discussed above, the cited references, either alone or in combination, do not teach or suggest a "sealing layer restricting dehydration of the dough during par-baking and subsequent freezing or refrigerating," as recited in claim 36, or "applying a plasticizing agent onto a surface of the dough to create a sealing layer on the dough for restricting dehydration of the dough during partial finishing and subsequent freezing or refrigerating," as recited in claim 39. Therefore, Seneau, "Breads," "Baking with Julia," "Professional Baking," and "How to Bake," either alone or in combination, do not teach all of the limitations of claims 36 and 39.

For the foregoing reasons, claims 36 and 39 are not rendered obvious by the references cited by the Examiner. Claims 37 and 38 are dependent on claim 36, and claims 40-42 are dependent on claim 39. Therefore, claims 37-38 and 40-42 are also not rendered obvious by the references cited by the Examiner.

The Applicant respectfully requests the withdrawal of the rejections under 35 USC § 103.

3. Request for Reconsideration and Allowance

Based upon the above Remarks, claims 19-42, as amended, are believed to be in proper form for allowance and patentable over the prior art made of record. Applicant respectfully requests reconsideration of claims 36-42, consideration of claims 19-35, and a prompt Notice of Allowance thereon.

Please charge any fees necessitated by this Amendment to Deposit Account No. 02-3732.

Please direct any questions or comments regarding this application to the undersigned attorneys.

Respectfully submitted,
General Mills, Inc., by its attorneys,

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